

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

x

UNITED STATES OF AMERICA,
ex rel. MAURICE KESHNER,

Plaintiffs,

-against-

MEMORANDUM AND ORDER

Case No. 06-CV-1067 (FB)

NURSING PERSONNEL HOME CARE,
[REDACTED],
IMMEDIATE HOME CARE, INC.,
WALTER GREENFELD,
ISAAC SCHWARTZ,
[REDACTED],
[REDACTED],
MARY SMALLS, AND SMALLS
TRAINING & COUNSELING SCHOOL,

Defendants.

x

Appearances:

For Plaintiff Maurice Keshner:

BRIAN P. McCafferty, ESQ.

Kenney & McCafferty, P.C.

1787 Sentry Parkway West

Building 18, Suite 410

Blue Bell, Pennsylvania 19422

*For Defendant Nursing Personnel Home
Care:*

AVROM R. VANN, ESQ.

420 Lexington Avenue, Suite 2806

New York, New York 10170

BLOCK, Senior District Judge:

Pursuant to a settlement agreement, the claims against defendant Nursing Personnel Home Care ("Nursing Personnel") were dismissed on February 17, 2010. On November 15, 2010, the Court awarded Maurice Keshner attorney's fees and costs in the amount of \$185,962.12, to be paid by Nursing Personnel. Nursing Personnel appealed the

award, and the Second Circuit has directed the Court “either to enter a partial judgment under Rule 54(b) of the Federal Rules of Civil Procedure . . . or to place on the record an explanation why a partial judgment should not be entered.” Order of Nov. 7, 2013.¹

The Court previously declined to enter a separate judgment on the award on the ground that Federal Rule of Civil Procedure 58(a) does not require one. That decision, however, was based on the assumption that the settlement completely disposed of the case. In fact, claims against four defendants remain pending.

Under Rule 54(b), a district court may direct entry of a judgment disposing of fewer than all claims or parties if it “expressly determines that there is no just reason for delay.” The Court so finds, and directs the Clerk to enter partial final judgment in favor of Maurice Keshner and against Nursing Personnel in the amount of \$185,962.12. The judgment shall bear interest at the governing rate of 0.13% per year until paid. *See* 28 U.S.C. § 1961(a).

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 6, 2014

¹The Court was first alerted to the order by Nursing Personnel’s counsel on November 26th.